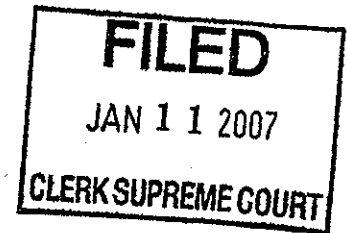


IN THE SUPREME COURT OF IOWA

ORDER



**REQUEST FOR PUBLIC COMMENT REGARDING
RULES FOR ELECTRONIC FILING**

After years of careful planning, the judicial branch is ready to implement electronic data management (EDMS), which will enable electronic filing and the use of electronic files in the Iowa courts. We will begin by testing electronic filing and paperless procedures in two pilot counties, yet to be determined, later this year. Once the pilot project testing is completed, we will implement electronic filing in the appellate courts, followed by gradual implementation in the remaining trial courts.

Special rules of practice and procedure are a necessary complement of the change from a paper-based system to an electronic system. During the past year, an ad hoc committee carefully studied and then drafted rules to accompany implementation of an electronic filing and recordkeeping system. This committee is chaired by District Judge Robert Hutchison of Des Moines and Burlington attorney David Beckman, who is also chair of the Iowa State Bar Association's technology committee. Other members of the committee include Chief Judge Alan Pearson of Dubuque, Chief Judge Charles L. Smith of

Council Bluffs, Des Moines attorney Nan Horvat, who is a representative from the supreme court's advisory committee on criminal rules, Des Moines attorney Fred James, who is a representative from the supreme court's advisory committee on civil rules, and Lodema Berkley, the clerk of court for Johnson County.

Last fall, the committee presented proposed rules to the supreme court. The court now seeks public comment on the proposed rules. Copies of the proposed rules and committee commentary can be found at www.judicial.state.ia.us/Supreme_Court/Orders/ on the Judicial Branch website. In addition, copies of the proposed rules and committee commentary are available at the office of the Clerk of the Supreme Court.

Any interested organization, agency, or person may submit comments by May 1, 2007. Comments may be e-mailed to **rules.comment@jb.state.ia.us** and must state "**EDMS**" in the subject line of the e-mail. Comments should be sent as an attachment to the e-mail in Microsoft Word format and all comments shall refer to the specific page and line numbers to which the comments are directed. Comments may also be mailed to the Clerk of the Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Dated this 11th day of January, 2007.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

GENERAL COMMENTARY ON ELECTRONIC FILING RULES

The advent of electronic filing and the use of electronic files introduces a significant change in how documents will be filed and presented to the Iowa courts. These rules are intended to increase access to the courts by allowing access 24 hours per day and seven days per week from any site with Internet access. This general commentary is meant to assist those who use the court system in understanding the general function and purpose of some of these new rules.

Exceptions to mandatory use of the electronic data management system. Use of the electronic data management system is mandatory for all judicial officers, lawyers, self-represented parties, and other users in all cases. There will be rare instances, however, when a person cannot use the system. In a situation where the potential filer's computer system is down or the person cannot obtain a login and password in time to meet a deadline, the court or the clerk of court can authorize a filer to submit a paper document on a one-time basis. If a filer will not be capable of using the electronic data management system throughout a particular case, the filer must move to be excused from registering to participate in the system. The party seeking to be excused must show exceptional circumstances. An example of exceptional circumstances is a prisoner who does not have access to the Internet. See Iowa Ct. R. 16.302(2).

1 **Registration, logins and passwords.** Some filers may wish to
2 register and obtain more than one login and password. Lawyers with
3 more than one staff member who file documents on the lawyer's behalf
4 may choose to use a different login and password for each paralegal or
5 secretary. This would allow the attorney to track which staff member
6 made each filing. A lawyer may also choose to register with a different e-
7 mail address and use that registration and login as a means to track a
8 large, complex case. Regardless of how many logins and passwords a
9 lawyer obtains, the lawyer remains responsible for the use or misuse of
10 each login and password registered to the lawyer.

11
12 **Suspension and cancellation of logins and passwords.** A login
13 and password may be immediately *suspended* by an employee of the
14 judicial branch if it appears that the login or password may have been
15 compromised. A password and login can only be *canceled* by the court.
16 If the court determines that good cause exists, the court may refuse to
17 allow a person to use the electronic data management system. Under
18 appropriate circumstances, like an intentional misuse or reckless use of
19 a password or login, a person may also be subject to appropriate
20 sanctions by the court. A refusal to allow a person to use the system
21 does not mean the person is excluded from using the courts, but the
22 person would need to obtain authorization under rule 16.302(2) to
23 submit paper documents to the clerk.

1 **Electronic cover sheet.** A filer must complete an electronic cover
2 sheet whenever a document or group of documents is placed into the
3 electronic data management system for filing or for electronic
4 presentation. The cover sheet is generated by the system based on basic
5 information provided by the filer. Different cover sheets will be generated
6 depending on whether the document is related to a criminal or civil case
7 or whether the document is being filed in a new case or an existing case.
8 It is critical that a cover sheet be properly completed by the filer.
9 Information provided on the cover sheet will ensure the document is
10 properly routed through the system. For example, proper completion of
11 the cover sheet will, where appropriate, ensure the document is properly
12 routed to the correct electronic file, create a correct docket entry for the
13 document, inform the court that expedited relief is being requested, and
14 ensure a document is properly sealed. A filer who completes an
15 electronic cover sheet for a new civil case will not need to file the cover
16 sheet required by Iowa Rule of Civil Procedure 1.301(2).

17
18 **Electronic filing and jurisdictional deadlines.** Use of the
19 electronic data management system provides a number of benefits to
20 filers. One benefit is the opportunity to file documents outside of normal
21 business hours. Rule 16.311(1)(b) states that a document filed before
22 midnight on the date the filing is due is considered timely filed. A filer is
23 cautioned, however, not to wait until the last moment to electronically
24 file documents as the electronic data management system may not
25 always be available. Just as a jurisdictional deadline cannot be extended

1 for a filer who, due to vehicle or traffic problems, arrives at the
2 courthouse moments after the clerk's office has closed, jurisdictional
3 deadlines cannot be extended for the filer who encounters system or
4 other technical difficulties moments before a midnight filing deadline.

5

6 **Governmental agency filings.** Certain governmental agencies will
7 be allowed to file documents and transfer data by a court-approved
8 alternative method of transferring the document or data from the
9 agency's electronic system to the court's electronic data management
10 system.

11

12 **Retention of paper documents.** Except in very limited situations
13 delineated by these rules, the court will not retain non-electronic
14 documents or other items as part of the court file. The rules contemplate
15 a number of situations where paper documents containing original
16 signatures can be scanned and then electronically filed. These rules do
17 not require any party or any lawyer to retain documents with original
18 signatures for any length of time. However, parties and lawyers may
19 want to retain the documents for varying lengths of time due to statutory
20 requirements, ethics rules, malpractice insurance requirements, and
21 good business practices.

22

23 **Electronic presentation.** Formerly parties could physically hand
24 the judge an unfiled document for consideration. With the
25 implementation of the electronic data management system, this must

1 now be done electronically. Electronic presentation is initiated through
2 the use of a special designation on the electronic cover sheet. A
3 document that is electronically presented is available for viewing only by
4 the court and is not a part of the court file unless the document is later
5 filed by the court or a party. Examples of when electronic presentation
6 would be used include the submission of trial informations for court
7 approval, applications for search warrants, proposed orders, documents
8 to be viewed in camera, and proposed dissolution decrees approved by
9 the parties. The electronic presentation of a document has no impact on
10 whether a party or lawyer should be or must be present when the court
11 reviews the document.

12
13 **Attachments.** When submitting documents through the
14 electronic data management system it is important for parties to
15 recognize the distinction between documents that are *filed* and
16 documents that are included in a court file as *attachments* to a filed
17 document.

18 Prior to implementation of the electronic data management system
19 it was possible for a party to hand the clerk of court a number of
20 documents at one time. An example is a petition for dissolution of
21 marriage, a motion for temporary support or temporary custody, and a
22 financial affidavit. Although these documents were handed to the clerk
23 at the same time, the documents were filed separately and each
24 document had its own docket entry. When using the electronic data
25 management system these types of documents must continue to be filed

1 separately. A filer may not attach these documents to one another. A
2 separate electronic cover sheet must be completed for each document.
3 See rule 16.313(2).

4 There are, however, documents that may be electronically attached
5 to another document. Examples include an amended petition that is
6 attached to a motion for leave to amend, a written notice of intention to
7 file an application for default which must be attached to a request for
8 default, see Iowa R. Civil Pro. 1.972(2), and exhibits or affidavits used to
9 support a motion or other document. See rule 16.313(1).

10 When attempting to distinguish between the requirements of rule
11 16.313(1) and 16.313(2), it may be helpful to draw on one's experience
12 with paper documents. Generally, if a filer would have stapled all the
13 documents together before submitting them to the clerk of court, those
14 documents should now be electronically attached to the main document
15 before filing them in the electronic data management system, and only
16 one cover sheet need be completed. If the documents would not have
17 been stapled together then they should not be electronically attached to
18 one another and separate cover sheets must be completed for each
19 document when they are filed.

20 When a party makes a motion with the court and desires to
21 electronically present a proposed order with the motion, that proposed
22 order may be electronically attached to the motion. See rule 16.409.

23

24 **Administrative records.** Many administrative records are quite
25 large and it would be time consuming and costly to convert the records

1 to an electronic format for purposes of review of the case by the court.
2 Rule 16.315(1)(a) addresses the cost and time concerns in administrative
3 review cases by allowing the administrative record to be filed in a
4 nonelectronic format. The rule does not exempt cases initiated within a
5 government agency on a limited basis. The documents generated in
6 those cases should be filed electronically through the electronic data
7 management system. Examples of those types of cases include cases
8 covered by Iowa Code Chapters 252C, 252F, and 252H.

9
10 **Hyperlinks.** These rules are designed to encourage the use of
11 hyperlinks for cited materials contained within the case file and for cited
12 legal authorities. Hyperlinks may also be used to refer the court to other
13 information. Hyperlinks, are not, however, part of the filed document so
14 the filed document must comply with traditional citation requirements.

15
16 **Maintaining exhibits in an electronic format.** It is the goal of
17 rule 16.315(1)(d) to have as many exhibits as possible stored or
18 maintained by the court in an electronic format. The rule does not
19 specify when the exhibits should be converted to electronic formats, and
20 decisions on when to do so will need to be made on a case-by-case basis.
21 In some situations, the parties and court may be able to agree that
22 exhibits can be converted before trial. In some situations, like criminal
23 cases, a defendant may not know for certain what exhibits the defendant
24 will use before trial or the defendant may not want to disclose the
25 potential exhibits before trial. In many situations, the exhibits may need

1 to be kept in their original form for easier presentation to a jury and
2 easier review by the jury during deliberations.

3
4 **Service of notice of items filed nonelectronically.** The
5 electronic data management system will not generate a notice of filing for
6 items filed nonelectronically. The purpose of rule 16.315(2) is to provide
7 an electronic notice to other parties in the case that the item was filed.

8
9 **Electronic service.** When a document is filed the electronic data
10 management system will automatically send an e-mail notice about the
11 filing to registered filers in the case. The notice of electronic filing will
12 contain a list of the parties who were sent the electronic notice.
13 Although the electronic data management system will automatically send
14 out the notice, it is the responsibility of the filer to review the notice of
15 electronic filing to ensure that all parties have been provided notice. In
16 the event an electronic notice is returned to the system due to a "delivery
17 failure" to a registered filer, the system will send notice of that delivery
18 failure to all registered filers. Upon receipt of the notice of delivery
19 failure the filer must provide service to that person by other means.
20 Electronic service can not be used to serve an original notice or any other
21 document that is used to confer personal jurisdiction.

22
23 **Access to court files.** Use of the electronic data management
24 system will have no effect on what documents or case files are accessible
25 to the public and what documents or files are confidential. There will be

1 three types of access by non-court personnel to documents and files that
2 are not confidential:

3 Any member of the general public will be able to view a non-
4 confidential file or document electronically.

5 A registered user will be able to view and download any non-
6 confidential file or document to their computer for at-will local access.

7 A registered filer will be able to view and download any non-
8 confidential file or document to their computer for at-will local access.

9 Registered filers will also be able to file, view, and download all
10 documents in cases in which they are a party.

11 There will be at least one public access terminal for viewing and
12 filing in each courthouse.

13

14 **Cost to use the system.** There will be no cost to view a non-
15 confidential file or document electronically. It is anticipated that
16 registered users and registered filers will pay a fee as required by law and
17 determined by the Technology Governance Board.

18

19 **Protection of personal privacy.** In the past many parties
20 routinely provided the court with a party's personal information whether
21 or not the information was required by the court. When all documents
22 were filed in paper form the risk of widespread dissemination and misuse
23 of this information was limited by the efforts required of a third-party to
24 locate and gather the information. With the use of the electronic data
25 management system the practical obscurity afforded by the paper system

1 is gone. People throughout the world will be able to view this information
2 almost as soon as it is filed and with very little effort. The personal
3 privacy protection rules, rules 16.601 through 16.609, are meant to
4 assist in protecting certain identifying information from widespread
5 dissemination and possible misuse. To provide greater protection,
6 parties should not put this information in documents filed with the court
7 unless it is material or required. When the information is material or
8 required the parties should carefully follow the redaction rules in
9 Division VI.

CHAPTER 16

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CHAPTER 16
RULES PERTAINING TO THE USE OF THE ELECTRONIC DATA
MANAGEMENT SYSTEM

DIVISION I

EFFECTIVE DATE, SCOPE, AUTHORITY

Rule 16.101 Effective date; geographic applicability. The rules of this chapter are effective beginning [insert date] and govern the filing of all documents in cases commenced on or after the effective date of these rules in [Name Test County] and [Name Test County].

Rule 16.102 Cases pending prior to effective date. A case pending prior to [insert actual date] shall not be subject to the requirements of this chapter. A case pending prior to the effective date of these rules may, however, be converted to an electronic file upon the agreement of all parties and with the court's approval; and thereafter the case shall be governed by these rules. If approval is given, the court shall make the appropriate determinations as to how the file should be converted to an electronic file and which party, if any, should bear the costs of such conversion.

Rule 16.103 Relationship to other court rules. To the extent these rules are inconsistent with any other Iowa Court Rule, the rules in this chapter shall govern in cases subject to electronic filing.

Rule 16.104 Authority. These rules are adopted under the authority granted to the supreme court by article V section 4 of the Iowa Constitution and Iowa Code section 602.1614.

Rules 16.105 to 16.200 Reserved.

DIVISION II
DEFINITIONS

Rule 16.201 Definitions. The following terms, as used in these rules, shall be defined as follows:

"Confidential information" means information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

"Cover sheet" means an electronic form which registered filers complete for documents electronically filed or presented to the court. The electronic data management system generates the cover sheet form to be completed by the filer. The cover sheet enables the electronic data management system to correctly route the filing.

1 *"Document"* means a related and paginated grouping of
2 information items contained in a record that can be in electronic or
3 paper form.

4
5 *"Download"* means to transfer a document from the
6 electronic data management system to a registered filer's or
7 registered user's computer making the document available for at-
8 will local access. "Download" does not include viewing by web
9 browser.

10
11 *"Electronic"* means technology having electrical, digital,
12 magnetic, wireless, optical, electromagnetic, or similar capabilities.
13 For governmental agencies this may include alternate software to
14 exchange electronic records with the court's electronic data
15 management system.

16
17 *"Electronic presentation"* means the process by which a party
18 may electronically give a document to the court for review or other
19 court action. A document electronically presented to the court
20 through the electronic data management system is not filed and
21 can be viewed only by the court. Examples of documents that will
22 be electronically presented include trial informations presented to
23 the court for approval, proposed orders, and documents to be
24 viewed in camera.

1 *"Electronic record"* means a record, file, or document created,
2 generated, sent, communicated, received, or stored by electronic
3 means.

4
5 *"Electronic service"* means the electronic transmission of a
6 copy of a document to registered filers entitled to receive notice.
7 Electronic service cannot be used to serve an original notice.
8 Documents that require personal service to confer jurisdiction as a
9 matter of law may not be served electronically.

10
11 *"Governmental agency"* means an executive, legislative, or
12 judicial agency, department, board, commission, authority,
13 institution, or instrumentality of the federal government, the state,
14 or a county, municipality, or other political subdivision of the
15 state.

16
17 *"Hyperlink"* means an electronic connection or reference to
18 another place in the document or other cite authorized by the
19 court which, when selected, shows the portion of the document or
20 the cite to which the hyperlink refers.

21
22 *"Information"* means data, text, images, sounds, codes,
23 computer programs, software, databases, or the like.

24

1 *"Judicial branch"* means all courts, all judicial officers, all
2 clerks of court and offices of the courts of the state.

3
4 *"Jurisdictional deadline"* means a deadline set by rule or
5 statute that may not be extended or changed by the court.

6
7 *"Nonelectronic filing"* means a process by which a paper
8 document or other nonelectronic item is filed with the court and
9 retained in nonelectronic form. See rule 16.315.

10
11 *"Nonregistered filer"* means a party who has received
12 authorization to submit documents to the clerk for filing by
13 nonelectronic means. See rule 16.302(2).

14
15 *"Notice of electronic filing"* means a document generated by
16 the electronic data management system when a document is
17 electronically filed. The notice of electronic filing is sent by
18 electronic mail to the registered filing party and to any other
19 registered filer who has entered an appearance in the case.

20
21 *"PDF"* means an electronic document filed in a portable
22 document format which is readable by the free Adobe® Acrobat®
23 Reader

24
25 *"Protected information"* means personal information, the
26 nature of which warrants protection from unlimited public access.

1 Rule 16.602 lists the type of information included in this
2 definition.

3
4 *"Public access terminal"* means a computer located in a
5 courthouse through which the public may view, print, and
6 electronically file documents.

7
8 *"Public information"* for purposes of these rules means
9 documents or information that is not confidential or protected.

10
11 *"Record"* means information that is inscribed on a tangible
12 medium or that is stored in an electronic or other medium and is
13 retrievable in perceivable form.

14
15 *"Registered filer"* means an individual or entity whose login
16 and password are used to electronically file documents. In cases in
17 which the registered filer is a party or has entered an appearance,
18 the registered filer will electronically serve and receive notice of
19 most filed documents. A registered filer can also electronically view
20 and download files. See rules 16.305 (registration, logins, and
21 passwords); 16.316(3) (service of original notice); and 16.317
22 (service of documents subsequent to original notice).

23
24 *"Registered user"* means an individual or entity, that is
25 registered to be able to electronically view and download

1 information from electronic files that are not confidential or
2 protected.

3
4 *"Scanned document"* means an electronic image created by
5 scanning a paper document.

6
7 *"Self-represented"* means a litigant who represents oneself
8 without the assistance of a lawyer. Except where these rules
9 specifically state otherwise, the term "lawyer" includes self-
10 represented litigants.

11
12 *"Signature"*

13 1. *"Digital signature"* means a complex string of electronic
14 data that is embedded in an electronic document for the purposes
15 of verifying document integrity and signer identity. It can also be
16 used to ensure that the original content of the message or
17 document that has been delivered is unchanged. A digital
18 signature is in no way related to a digitized signature and has
19 nothing to do with a signer's name or handwritten signature.

20 2. *"Digitized signature"* means a computerized representation
21 of a person's handwritten signature.

22 3. *"Electronic signature"* means an electronic symbol or
23 process attached to or logically associated with a record and
24 executed or adopted by a person with the intent to sign the record.
25

1 “View” means to look at or visually inspect a document. It
2 does not include downloading a document.

3
4 **Rules 16.202 to 16.300 Reserved.**

5
6 **DIVISION III**

7 GENERAL PROVISIONS

8 **Rule 16.301 Electronic data management system.**

9 **16.301(1)** Unless otherwise required or authorized by these
10 rules, all documents in cases commenced in [name of test county]
11 and [name of test county] after [insert actual date] must be filed
12 using the court’s electronic data management system.

13 **16.301(2)** The clerk of court is responsible for maintaining
14 an electronic case file in the court’s electronic data management
15 system for all cases filed under these rules, receiving case filings
16 into the electronic data management system by electronic
17 transmission, and scanning documents into the electronic data
18 management system for nonregistered parties.

19
20
21 **Rule 16.302 Electronic filing mandatory.**

22 **16.302(1)** *Electronic filing mandatory.* All lawyers licensed
23 to practice law in Iowa, all lawyers admitted pro hac vice, see Iowa
24 Ct. Rule 31.14, and all self-represented litigants must register as
25 provided in rule 16.305(1) to participate in the electronic data
26 management system. As provided in this chapter registered filers

1 must electronically submit all documents to be filed with the court
2 unless otherwise required or authorized by these rules or the
3 court.

4 **16.302(2) Exceptions.** For good cause, the court, or clerk if
5 no judge is available, may authorize a filer to submit a document
6 by nonelectronic means to the clerk for filing. Upon a showing of
7 exceptional circumstances that it is not feasible for a party to file
8 documents by electronic means, the chief judge of the district in
9 which a case is pending or the chief judge's designee may excuse
10 the party from registering to participate in the electronic filing
11 system for purposes of that case.

12
13 **16.302(3) Dual filing required.** For a period of 30 days after
14 [insert actual date], those who are required to electronically file
15 documents must also submit the documents in paper form to the
16 clerk for filing. In the event of a discrepancy, the date and time of
17 the electronic filing shall be the official date and time of filing
18 unless the court, for good cause, determines otherwise. During this
19 30 day period, parties must also serve notice of any filed document
20 by nonelectronic means.

21
22 **Rule 16.303 Submission of paper documents.**

23 **16.303(1) Submission of paper documents for scanning.** If a
24 court authorizes a document be scanned by the clerk, the

document must be printed on only one side and be delivered to the clerk with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or may be delivered to the clerk in an expandable file folder.

16.303(2) *Return of copies by mail.* If a party wants a document that was submitted in paper form to be returned by mail, the party must deliver to the clerk a self-addressed envelope, with proper postage, large enough to accommodate the requested material. Paper documents submitted to the court will not be retained by the court.

Rule 16.304 Official court record.

16.304(1) *Court record.* The official court record for all cases includes the following :

a. Electronic files. The electronic files maintained in the court's electronic data management system.

b. Paper documents. Filings maintained by the clerk in paper form when permitted by these rules.

c. Exhibits and other materials. Exhibits and other materials filed with or delivered to the court and maintained by the clerk.

16.304(2) *Paper case files.* Except as otherwise provided in these rules, see e.g., rules 16.302(3) (dual filing requirement) and

1 16.315(1) (items not to be electronically filed), or directed by the
2 court, the clerk will not maintain paper case files in cases initiated
3 on or after [date of start of pilot project].

4
5 **Rule 16.305 Registration, logins, and passwords.**

6 **16.305(1) Registration.** To register, filers and users must
7 complete a registration form and obtain a login and password for
8 the electronic data management system. A copy of the form is
9 located in rule 16 , form , and is available on the registration web
10 site at [insert appropriate web address here] .

11 *a. Registration not required.* Registration is not required to
12 electronically view information that is not protected or confidential.

13 *b. Registration required.*

14 (1) Registration is required to download documents or
15 information available under these rules. See rule 16.501 (public
16 access).

17 (2) Registration is required to file documents electronically.

18 *c. Registration of specialized nonparty filers and users.*

19 Specialized nonparty filers or users must contact ICIS for special
20 registration requirements. Specialized nonparty filers or users may
21 include bail bond agents, process servers, abstractors, and other
22 people who generally are not considered a party but who need to
23 file documents in multiple cases or view otherwise restricted
24 information.

1 *d. Registration complete.* When a registration form is
2 completed and a login and password are assigned, the user and
3 filer may utilize the electronic data management system.

4 *e. Changing passwords.* Once registered, a filer or user may
5 change the filer or user's password. If the filer or user believes the
6 security of an existing password has been compromised, the filer
7 or user must change the password immediately. The court may
8 require password changes periodically.

9 *f. Changes in filer's contact information.* If a registered filer's
10 e-mail address, mailing address, or telephone number changes,
11 the filer must promptly make the necessary changes to the
12 registered filer's information contained in the registration system.
13 The filer may make the changes on the registration website at
14 [www. . .](#), or may contact the Help desk at [. . .](#) The filer shall
15 provide appropriate notice of changes in contact information to any
16 nonregistered filer in every active case.

17 *g. Duties of registered filer.* Each registered filer shall
18 ensure that the filer's electronic data management system e-mail
19 account information is current, that the account is monitored
20 regularly, and that e-mail notices sent to the account are timely
21 opened.

22 *h. Withdrawal from participation.* A registered filer or user
23 may withdraw from participation in the electronic data
24 management system by contacting the registration website at
25 [www.whatever](#) or the [insert appropriate name of Help desk and

1 phone number and address]. Upon withdrawal, the registered
2 filer's or user's login and password will be canceled and the
3 registered filer's name will be deleted from any applicable
4 electronic service list. A registered filer's withdrawal from
5 participation in the electronic data management system is not
6 authorization to file cases or documents nonelectronically. A
7 withdrawal from participation in the electronic data management
8 system by a registered filer is not a withdrawal from a case.

9
10 **16.305(2)** *Logins and passwords*. To file documents in a
11 court utilizing the electronic data management system, a filer must
12 use a login and password.

13 a. A registered filer is responsible for all documents filed
14 with the filer's login and password.

15 b. A registered lawyer shall not knowingly cause or permit
16 the lawyer's login or password to be used by anyone other than the
17 lawyer or an authorized member or staff of the lawyer's law office.
18 Registered self-represented filers must not knowingly cause or
19 permit their login or password to be used by any other person.

20 c. Any electronic filing or viewing of an electronic file made
21 by use of a login and password shall be deemed to be made with
22 the authorization of the person registered to use the login and
23 password unless and until proven by clear and convincing
24 evidence to the contrary.

25 d. If a login or password is lost, misappropriated, misused,

1 or compromised in any way, the person registered to use that login
2 or password must promptly notify the registration website at www.
3 or the [Proper name for the Help Desk] at . For system security
4 reasons, a registration may be immediately suspended. The
5 registered filer or user may apply for a new password and login by
6 completing a new registration form. If a login and password have
7 been lost, misappropriated, misused or compromised in any way,
8 the court may cancel the registration.

9 e. For good cause, the court may refuse to allow a user or
10 filer to electronically file or download information in the electronic
11 data management system. The affected user or filer may file an
12 application with the court to register.

13
14 **Rule 16.306 Signatures.**

15 **16.306(1) *Registered filer.*** A registered filer's login name
16 and password required for submission of documents to the
17 electronic data management system serve as the registered filer's
18 signature on all electronic documents filed with the court. They
19 also serve as a signature for purposes of Iowa Rule of Civil
20 Procedure 1.413(1), any other applicable Iowa Court Rule, and any
21 other purpose for which a signature is required in connection with
22 proceedings before the court. All documents filed electronically
23 must include a signature block in the form set out in 16.306(4).

24 **16.306(2) *Nonelectronic signature.*** If a document contains a
25 nonelectronic signature, the original document must be scanned

1 before it is electronically filed in the electronic data management
2 system.

3
4 **16.306(3)** *Documents requiring oaths, affirmations or*
5 *verifications.* Any document requiring a signature be made under
6 oath or affirmation or with verification may be either signed
7 nonelectronically and scanned into the electronic data
8 management system or may be signed by an electronic process
9 which accurately reproduces or forms a durable medium for
10 accurately and legibly reproducing an unaltered image of the
11 required signature.
12

13 **16.306(4)** *Format.* Any filing requiring a signature must be
14 signed, with either an actual signature, the symbol “/es/”, or a
15 digitized signature.

16 a. The following information about the person signing the
17 filing, if applicable, must be typewritten or printed under the
18 person’s signature:

- 19 (1) Name;
20 (2) Law firm;
21 (3) Mailing address;
22 (4) Telephone number;
23 (5) E-mail address; and

1 (6) The e-mail addresses of any other persons at the law firm
2 who are to be notified of additions or corrections to the electronic
3 data management system file.

4 **b.** Filers are responsible for promptly updating the
5 information in (1) through (6) on the electronic data management
6 system. Non-registered filers are responsible for informing the
7 court of any changes in this information with respect to all cases in
8 which they have appeared.

9
10 **16.306(5) Multiple signatures.** The following procedure
11 applies to a document containing two or more signatures:

12 **a.** By filing the document the registered filer confirms that
13 the content of the document is acceptable to all persons signing
14 the document and all such persons consent to having their
15 signatures appear on the document.

16 **b.** After following the requirements of 16.306(5)(a), the
17 registered filer must either:

18 (1) Scan the original document, with all of the signatures
19 attached and file the document electronically; or

20 (2) Electronically file the document in pdf format using the
21 signature format as set out in 16.306(4).

22
23 **16.306(6) Disputing authenticity.** A lawyer or a party who
24 disputes the authenticity of any signature on an electronically-filed

1 document must file an objection to the signature within 30 days
2 after the lawyer or party knew or should have known the signature
3 is not authentic. A signature will be presumed authentic until
4 established otherwise by clear and convincing evidence.

5
6 **Rule 16.307 Electronic filing.**

7 **16.307(1) Filing.** The electronic transmission of a document
8 to the electronic data management system consistent with the
9 procedures specified in these rules, together with the production
10 and transmission of a notice of electronic filing constitutes filing of
11 the document. A copy of the notice of electronic filing will be
12 provided to nonregistered filers upon request to the clerk of court.

13
14 **16.307(2) E-mailing or faxing documents does not constitute**
15 *filing.* E-mailing or faxing a document to the clerk or to the court
16 will not generate a notice of electronic filing and does not
17 constitute "filing" of the document.

18
19 **Rule 16.308 Electronic file stamp.** Each electronically filed
20 document shall receive an electronic file stamp consistent with the
21 notice of electronic filing. The file stamp shall merge with the
22 electronic document and be visible when the document is printed
23 and viewed on-line. Electronic documents are not officially filed
24 without the electronic filing stamp. Filings so endorsed shall have

1 the same force and effect as documents time stamped in a
2 nonelectronic manner.

3
4
5 **16.309 Docket entries.**

6 **16.309(1)** *Docket text.* A registered filer electronically filing a
7 document will be required to designate an accurate docket entry
8 for the document by using one of the docket event categories listed
9 on the cover sheet.

10 **16.309(2)** *Court responsibility.* The court is responsible for
11 the accuracy of all docket entries.

12 **16.309(3)** *Correcting docket entries.*

13 *a. Clerk to correct docket entries.* Once a document is
14 submitted and docketed into the electronic data management
15 system, only the clerk may make corrections to the docket.

16 *b. Errors discovered by filer.* If a filer discovers an error in
17 the electronic filing or docketing of a document, the filer shall
18 contact the clerk as soon as possible. When contacting the clerk,
19 the filer shall have available the case number of the document that
20 was filed or docketed erroneously. The clerk will research the error
21 and advise the filing party how the error will be addressed by the
22 clerk and what further action by the filer, if any, is required to
23 address the error. A filer shall not refile or attempt to redocket a
24 document that has been erroneously filed or docketed unless
25 specifically directed to do so by the clerk.

26 *c. Errors discovered by clerk.* If errors in the filing or

1 docketing of a document are discovered by the clerk, the clerk will
2 ordinarily notify the filer of the error and advise the filer of what
3 further action, if any, is required to address the error. If the error
4 is a minor one, the clerk may, with or without notifying the parties,
5 either correct or disregard the error.
6

7 **Rule 16.310 Payment of fees.**

8 **16.310(1)** All applicable fees shall be paid by court
9 approved electronic means unless otherwise ordered by the court.

10 **16.310(2)** Applications to proceed without the prepayment
11 of filing fees shall be supported by an affidavit, see Iowa Code
12 section 610.1. The application and supporting affidavit may be
13 submitted to the clerk nonelectronically.
14

15 **Rule 16.311 Date and time of filing, deadlines, and system**
16 **unavailability.**

17 **16.311(1)** *Date and time of filing, deadlines.*

18 *a.* An electronic filing can be made any day of the week,
19 including holidays and weekends, and any time of the day the
20 electronic data management system is available. However, the
21 expanded availability of electronic filing shall not affect the
22 provisions for extension of deadlines under the criteria set forth in
23 Iowa Code section 4.1(34). When a document is filed using the

1 electronic data management system, the system will generate a
2 notice of electronic filing. The notice of electronic filing will record
3 the date and time of the filing of the document in local time for the
4 state of Iowa. This will be the official filing date and time of the
5 document regardless of when the filer actually transmitted the
6 document.

7 **b.** A document is timely filed if it is filed before midnight on
8 the date the filing is due.

9 **c.** If there is a deadline established in these rules that is
10 different from a deadline established by a court order in a
11 particular case, the deadline established in the court order
12 controls.

13 **d.** As the electronic data management system may not
14 always be available due to system maintenance or technical
15 difficulties, filers should not wait until the last moment to file
16 documents electronically.

17
18 **16.311(2) System unavailable.**

19 **a.** Some deadlines are jurisdictional and cannot be
20 extended. The filer must ensure, by whatever means necessary, a
21 document is timely filed to comply with jurisdictional deadlines. A
22 technical failure, including a failure of the electronic data
23 management system, will not excuse a failure to comply with a
24 jurisdictional deadline.

1 b. If a filer is unable to meet a nonjurisdictional deadline
2 due to a technical failure, the filer must file the document using
3 the soonest available electronic or nonelectronic means. The
4 timeliness of the filing will be determined by the court after an
5 opportunity to be heard.
6

7 **16.311(3) Notice of system downtime.**

8 a. *Anticipated downtime.* When the electronic data
9 management system will not be available due to scheduled
10 maintenance, a notice will be posted on the court's web site of the
11 date, time, and anticipated length of the unavailability.

12 b. *Unexpected downtime.* When the electronic data
13 management system is unexpectedly unable to accept filings
14 continuously or intermittently for more than one hour, registered
15 filers will be notified of the problem by e-mail or by the posting of a
16 notice of the problem on the court's web site.
17

18 **Rule 16.312 Format of electronic documents.**

19 **16.312(1) Generally.** All documents shall be formatted in
20 accordance with the applicable rules governing formatting of paper
21 documents. See e.g., Rs. Civ. P. 1.411, 1.412; Iowa Rs. App. P.
22 6.14, 6.16, 6.22. A document must be converted to a portable
23 document format ("pdf") before the document is filed in the
24 electronic data management system. The registered filer shall

1 ensure that the filing is an accurate representation of the
2 document and is complete and readable.

3 **16.312(2) *Exceptions for authorized governmental agencies.***

4 All documents shall be formatted in accordance with the applicable
5 rules governing formatting of paper documents. *See e.g.* Rs. Civ. P.
6 1.411, 1.412; Iowa Rs. App. P. 6.14, 6.16, 6.22. If authorized by
7 the supreme court a governmental agency may use an approved
8 data transfer method to file documents in the court's electronic
9 data management system.

10
11 **Rule 16.313 Electronic attachment of other electronic**
12 **documents.**

13 **16.313(1)** The following documents shall be electronically
14 attached to another document:

15 *a.* A proposed document, such as an amended petition,
16 shall be electronically attached to a motion for leave to file that
17 document. If the court grants the motion, the clerk shall file and
18 docket the documents.

19 *b.* Any item that would normally be included as an exhibit to
20 a paper-filed document shall be electronically attached as an
21 exhibit to the applicable electronic document.

22
23 **16.313(2)** Documents that would be filed separately if the
24 documents were filed as paper documents shall not be
25 electronically attached to another electronically-filed document.

1 Examples of such documents include a petition for dissolution of
2 marriage, a motion for temporary support, and a financial affidavit.

3
4 **Rule 16.314 Hyperlinks and other electronic navigational**
5 **aids.**

6 **16.314(1)** Hyperlinks and other electronic navigational aids
7 may be included in an electronically filed document as an aid to
8 the court. Each hyperlink must contain a text reference to the
9 target of the link.

10 **16.314(2)** Although hyperlinks may be included in a
11 document as an aid to the court, the material referred to by the
12 hyperlinks are not considered part of the official record or filing.

13 **16.314(3)** Hyperlinks to cited authority may not replace
14 standard citation format for constitutional citations, statutes,
15 cases, rules, or other similarly cited materials.

16 **16.314(4)** Hyperlinks may be used to provide an electronic
17 link to other portions of the same document or other portions of
18 the court file.

19
20 **Rule 16.315 Documents and other items to be filed non-**
21 **electronically and not maintained in the electronic case file.**

22 **16.315(1)** *Items not to be electronically filed.* Unless
23 otherwise required or authorized by these rules, by the clerk or the
24 court, or as specifically noted below, the following documents and
25 other items shall be filed nonelectronically and will not be

1 maintained in the electronic case file:

2 a. The administrative record in cases in which the court is
3 asked to rule based on that record unless the underlying
4 administrative record is already an electronic record or is
5 submitted electronically by agreement of the parties. The petition,
6 answer, briefs, and motions in such cases shall be filed
7 electronically, and shall be maintained in the electronic case file.

8 b. Transcripts of proceedings before the court not available
9 in electronic format.

10 c. Any item that is not capable of being filed in an electronic
11 format.

12 d. Exhibits offered at trials or hearings except where the
13 exhibits are already an electronic record or are submitted
14 electronically by agreement of the parties. Exhibits capable of
15 being maintained in an electronic format shall, unless otherwise
16 ordered by the court, be maintained in that format for purposes of
17 the official court record. For example, the submitting party shall
18 convert photographs into digital images.

19
20 **16.315(2)** *Service of notice of items filed nonelectronically.*
21 Parties who file paper documents or other items pursuant to rule
22 16.315(1) must electronically file a notice of the filing of the item.

1 **Rule 16.316 Original notice.**

2 **16.316(1)** *Form of original notice.* When a party
3 electronically files a new case, the party shall attach an original
4 notice in the form required by Iowa Rule of Civil Procedure 1.302(1)
5 to the petition. In addition to the information required by rule
6 1.302(1), the original notice must:

7 (1) State that the case has been filed in a county that utilizes
8 electronic filing.

9 (2) Direct the other party to Iowa Court Rules Chapter 16 for
10 general rules and information on electronic filing.

11 (3) Refer the other party to the rules in Chapter 16, division
12 VI regarding the protection of personal information in court filings.

13
14 **16.316(2)** *Clerk's certification of original notice.* After a
15 petition is accepted and filed, the clerk shall electronically certify
16 the original notice and electronically return a certified original
17 notice back to the registered filer.

18
19 **16.316(3)** *Service of original notices.* Original notices must
20 be personally served upon the party against whom an action has
21 been filed in accordance with the Iowa Code and the Iowa Court
22 Rules.

23

1 **16.316(4)** *Return of service.* After the original notice is
2 served, the return of service must be scanned and electronically
3 filed.

4
5
6 **Rule 16.317 Service of documents subsequent to original**
7 **notice.**

8 **16.317(1)** *Service of documents by registered filers.*

9 *a. Electronic distribution of electronically filed documents.*

10 (1) A registration form, see 16.305(1), signed by a filer
11 constitutes a request for, and consent to, electronic service of
12 court-generated documents, and documents filed electronically by
13 other parties.

14 (2) When a document is electronically filed, it will be served
15 through the electronic data management system to the e-mail
16 address of all parties who are registered filers. The electronic data
17 management system serves parties by sending them a notice of
18 electronic filing. The notice of electronic filing constitutes service of
19 the document for purposes of the Iowa Court Rules. No other
20 service on those parties is required. Electronic service is not
21 effective if the filer learns the notice of electronic filing was not
22 transmitted to a party.

23 *b. Service on parties who are nonregistered filers.* Parties

1 must serve a paper copy of any filed document on a person entitled
2 to service who is not a registered filer in the manner required by
3 Iowa Rule of Civil Procedure 1.442 and Iowa Rule of Criminal
4 Procedure 2.34(2), unless otherwise agreed by the parties. When
5 serving paper copies of documents that have been filed
6 electronically, the filer must include a copy of the notice of
7 electronic filing.

8 **16.317(2)** *Service of documents filed by nonregistered filers.*

9 Nonregistered filers must serve a paper copy of documents filed
10 with the court on all persons entitled to service who are
11 nonregistered filers in the manner required by Iowa Rule of Civil
12 Procedure 1.442 and Iowa Rule of Criminal Procedure 2.34(2). No
13 separate service is required for parties who are registered filers.
14 Service on such persons will be made electronically through the
15 electronic data management system.

16 **Rule 16.318 Certificate of service.** A certificate of service shall
17 be filed for all documents requiring service under Iowa Rule of Civil
18 Procedure 1.442(1). The certificate shall be filed promptly and shall
19 show the date and manner of service. For example, service was
20 made electronically through the electronic data management
21 system or service was made by mail. The certificate of service may

1 be included on the last page of the document being served.

2 **Rule 16.319 Additional time after electronic service.** When
3 service of a document is made by electronic means, the time to
4 respond commences the day after the filing date.

5
6 **Rule 16.320 Court-generated documents.**

7 **16.320(1)** *Electronic filing of court-generated documents.* All
8 court-generated documents issued in cases governed by this
9 chapter, see rule 16.102, shall be electronically filed.

10 **16.320(2)** *Service of court-generated documents.*

11 *a. Electronic notice and service.* The electronic data
12 management system will electronically transmit any court-
13 generated document to all registered filers entitled to service.
14 Electronic service of the notice of electronic filing upon a registered
15 filer constitutes service or notice of the document.

16 *b. Nonelectronic notice and service.* The clerk shall mail
17 paper copies of electronically-filed court-generated documents to
18 nonregistered filers. The clerk shall include a copy of the notice of
19 electronic filing with the paper copy of the document.
20
21

22 **Rule 16.321 Intervention in confidential cases.**

23 **16.321(1)** *Manner in which to intervene.* A party seeking to
24 intervene in a case deemed confidential by law, rule, or court order
25 shall, unless authorized to file nonelectronically under rule

1 16.302(2), electronically file the motion to intervene and all related
2 documents.

3 **16.321(2)** *Access to file.* Until the court grants the motion
4 to intervene, the party seeking to intervene is not allowed to
5 download or view any part of the confidential file, nor will that
6 party receive a notice of electronic filing of any document filed in
7 the case.

8 **16.321(3)** *Service on intervening party.* If the court or a
9 party files a document related to the motion to intervene, a paper
10 copy of the document shall be served on the party seeking to
11 intervene. If the motion to intervene is granted, the intervenor will
12 subsequently be served copies of filed documents pursuant to
13 rules 16.317 and 16.320(2).

14
15
16 **Rules 16.322 to 16.400** Reserved.

17
18
19
20 **DIVISION IV**

21
22 **SPECIFIC TYPES OF DOCUMENTS**

23
24 **Rule 16.401** **Discovery.**

25 **16.401(1)** *Service of discovery materials.*

26 *a. Service.* Requests for discovery, responses to discovery,
27 and notices of deposition may be served by e-mail to a registered
28 filer.

1 **b. Time service occurs.** When service is made by e-mail the
2 time to respond commences the day after the service. When service
3 is made by nonelectronic means, the time to respond shall be
4 computed in the same manner as required by Iowa Rule of Civil
5 Procedure 1.443(2).

6 **16.401(2) Filing notice of discovery requests and responses.**
7 Parties shall file a notice with the court when a notice of deposition
8 or a discovery request or response is served on another party. The
9 notice shall state the name of the party upon whom the discovery
10 material was served and the date of service.

11
12 **Rule 16.402 Transcripts.** Transcripts shall be electronically filed
13 and shall be capable of being opened in Microsoft Word. When
14 opened, the document shall appear with the same pagination and
15 format as a paper copy of the transcript. All electronically filed
16 transcripts, whether filed for purposes of district court proceedings
17 or appellate court proceedings, shall comply with the requirements
18 of Iowa Rule of Appellate Procedure 6.10(2)(g).

19
20 **Rule 16.403 Expedited relief** Requests for expedited relief shall
21 be noted on the electronic data management system cover sheet.

22
23 **Rule 16.404 Briefs.** Legal briefs and memoranda shall be
24 electronically filed.

Rule 16.405 Documents to be filed under seal.

16.405(1) *Motions to seal.* A party seeking to file under seal documents that are not deemed confidential by statute or rule, shall file a motion to seal the document. The document sought to be filed under seal must not be attached to the motion or it will be part of the public case file. The document may be filed under seal only after the motion is granted. The documents proposed to be filed under seal shall be electronically presented for review by the court. If the court enters an order granting the motion, the electronically presented document will be filed and sealed.

16.405(2) *Documents filed subsequent to order to seal.* If the court enters a protective order or an order directing or permitting the filing of documents under seal, the parties shall, without further order from the court, file under seal all documents covered by the order. The parties shall also file under seal all documents referring to or disclosing confidential information in the sealed documents. A document filed under this rule must be so designated on the cover sheet.

16.405(3) *System-sealed documents.* Certain categories of documents are sealed within the electronic data management system without a motion by a party or an order of the court. A current list of system-sealed filings is available from the clerk and is available on the court's web site at www.judicial.state.ia.us. For

1 such documents, no motion for leave to file under seal is
2 necessary.

3
4 **16.405(4)** *Access to sealed documents and docket entries.*

5 Access to documents filed under seal is managed by the electronic
6 data management system in three different ways: (1) some
7 documents are available for viewing only by the parties and the
8 court, but are referenced in a docket entry available to the public;
9 (2) some documents are available for viewing only by the parties
10 and the court, and are not referenced in a docket entry available to
11 the public; and (3) some documents are available for viewing only
12 by the court, and are not referenced in a docket entry available to
13 the parties or the public. In civil cases, most documents filed
14 under seal are referenced in a docket entry available to the public,
15 but are available for viewing only by the parties and the court.

16 **16.405(5)** *Paper documents.* Paper documents must
17 conform to the privacy rules that apply to electronic documents.

18
19 **Rule 16.406 In camera inspection.** Material may be
20 electronically presented to the court for in camera inspection. After
21 the court has examined the material and has entered an order
22 concerning the issues raised by the material, the electronically
23 presented material will be filed and sealed.
24

1 **Rule 16.407 Subpoenas.** The clerk of court will provide
2 subpoenas in either electronic or paper form at the request of the
3 registered filer.

4
5 **Rule 16.408 Certification of documents by the clerk.** Certified
6 copies of electronically filed documents may be obtained
7 electronically or nonelectronically. The fee for a certified copy will
8 be in accordance with the fee established in Iowa Code section
9 602.8105. The clerk may certify documents by digital signature
10 and seal.

11
12
13 **Rule 16.409 Proposed orders.** If a proposed order is
14 electronically presented, see definition 16.201 (electronic
15 presentation), it may be electronically attached to a motion or
16 presented without a motion. The proposed order shall be
17 submitted in an editable format capable of being read by Microsoft
18 Word.

19
20 **Rule 16.410 Court reporter notes.** Court reporters who have
21 computer-aided transcription capability shall electronically file the
22 court reporter notes in ASCII.

23
24 **Rule 16.411 Original documents.** Where the law requires the
25 filing of an original document, such as a will, mortgage document,

1 or birth certificate, the filer may scan the original document and
2 file the scanned document in the electronic data management
3 system. The filer must retain the original document for a period no
4 less than two years or until the conclusion of the case or the
5 conclusion of an appeal, or the conclusion of the estate, whichever
6 is later. The filer must immediately deliver the original document to
7 the court upon request of the court or the other party.

8
9 **Rules 16.412 to 16.500 Reserved.**

10
11
12 **DIVISION V**

13 **PUBLIC ACCESS**

14 **Rule 16.501 General rule.** The fact that a case is electronically
15 filed has no effect on the scope of what is accessible to the public.
16 Documents not accessible to the public before the implementation
17 of the electronic data management system are not part of the
18 publicly-accessible electronic files.

19
20 **Rule 16.502 Public access at the court.** At least one public
21 access terminal shall be maintained in each courthouse.

1 **Rule 16.503 Bulk distribution.** The judicial branch will not
2 make a bulk disclosure or sell database information that is
3 confidential or otherwise protected by court order.

4
5 **Rules 16.504 to 16.600** Reserved.

6
7 **DIVISION VI**

8 **PROTECTION OF PERSONAL PRIVACY**

9 **16.601 Responsibility of filer.** It is the responsibility of the filer
10 to ensure, according to the rules of this division, that protected
11 information is omitted or redacted from documents before the
12 documents are filed. The clerk of court will not review filings to
13 determine whether appropriate omissions or redactions have been
14 made. The clerk will not, on the clerk's own initiative, redact
15 documents or seal documents containing protected information.

16
17 **Rule 16.602 Protected information.** Protected information
18 includes the following:

- 19 1. Social Security numbers;
20 2. Financial account numbers;
21 3. Dates of birth;
22 4. Names of minor children;
23 5. Individual Taxpayer Identification Numbers;

1 6. Personal identification numbers; and

2 7. Other unique identifiers.

3
4 **Rule 16.603 Omission and redaction requirements.**

5 **16.603(1)** *Protected information not required and not*
6 *material.* A party shall omit protected information from documents
7 filed with the court when the information is not required by law
8 and is not material to the proceedings.

9 **16.603(2)** *Protected information that is required or material.*
10 When protected information is required by law to be included or is
11 material to the case, a party shall record the protected information
12 on a separate protected information form, see rule 16.606. The
13 party shall redact the protected information, see rule 16.605
14 (manner in which to redact protected information), from any other
15 document before filing the document with the court.

16 **16.603(3)** *Confidential or sealed documents.* Parties are not
17 required to redact protected information from documents deemed
18 confidential by statute, rule or court order; however redaction is
19 required for materials that are initially confidential but which later
20 become public, such as documents in dissolution proceedings.

21 **16.603(4)** *Full disclosure allowed.* A party may use
22 unredacted protected information only when full disclosure of that
23 information is an essential or required component of the
24 document, for example, when a writ of execution requires a full
25 financial account number.

Rule 16.604 Information that may be redacted. A party may redact the following information from publicly available documents filed with the court unless the information is material to the proceedings or disclosure is otherwise required by law:

1. Driver's license numbers;
2. Information concerning medical treatment or diagnosis;
3. Employment history;
4. Personal financial information;
5. Proprietary or trade secret information;
6. Information concerning a person's cooperation with the government;
7. Information concerning crime victims;
8. Sensitive security information; and
9. Home addresses.

Rule 16.605 Manner in which to redact protected information. When protected information is required or is material to the case, only a portion of the protected information should be used. By way of example, and not limitation, if a Social Security number must be included in a document, only the last four digits of that number should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document. If an individual's date of birth is necessary, only

1 the year should be used. If a minor child must be mentioned, only
2 that child's initials should be used.

3
4 **Rule 16.606 Protected information form.**

5 **16.606(1) *Protected information form required.*** When a party
6 is required to include protected information in a filed document,
7 the party shall file a protected information form. A copy of the form
8 can be found at www./coverpage. The protected information form
9 shall contain the protected information in its entirety as well as the
10 redacted version of the information used in the filed document. All
11 references in the case to the redacted information included in the
12 protected information form shall be construed to refer to the
13 corresponding complete protected information. The protected
14 information form shall be confidential.

15 **16.606(2) *Supplementing protected information form.*** When
16 new information is needed to supplement the record, or if
17 information already contained in the protected information form
18 needs to be updated or corrected, the parties shall file an updated
19 protected information form reflecting all previously disclosed
20 protected information plus any additions, changes, or corrections.

21
22 **Rule 16.607 Orders and other court-generated documents.** All
23 orders and other court-generated documents shall follow the
24 omission and redaction requirements in rule 16.603. Orders and
25 other court-generated documents will use the redacted version of

1 the protected information found in the protected information form
2 filed by the parties. See rule 16.606.

3
4 **Rule 16.608 Improperly included protected information.**

5 **16.608(1)** A party may move to redact improperly included
6 protected information from a filed document and may request an
7 immediate order to temporarily seal the document pending notice
8 and opportunity to be heard by all parties.

9 **16.608(2)** If, after all parties have been provided an
10 opportunity to be heard, the court finds protected information was
11 improperly included in a filed document, the court may seal the
12 document and may cause a properly redacted document to be filed.

13
14 **Rule 16.609 Sanctions.** If a party purposefully files documents
15 containing unredacted protected information, the court, upon its
16 own motion or upon the motion of any party, may impose
17 sanctions which may include an order requiring a violator to pay a
18 party all damages and reasonable expenses, costs, and attorney
19 fees incurred because a party purposely filed documents
20 containing unredacted protected information.

DIVISION VII

CRIMINAL CASES

Rule 16.701 Criminal cases and the electronic data management system.

16.701(1) *Use of electronic data management system.* All criminal cases shall be opened using the electronic data management system. All filings made in criminal cases shall be done through the electronic data management system.

16.701(2) *Applicability of other chapter 16 rules to criminal cases.* The rules in divisions I through VI, including rules pertaining to the protection of personal privacy, apply in criminal cases.

Rule 16.702 Documents requiring oaths, affirmations or verifications. Any document requiring a signature be made under oath or affirmation or with verification may be either signed non-electronically and scanned into the electronic data management system or may be signed by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image of the required signature.

Rule 16.703 Warrants and other similar applications. When made during regular court hours, applications for search warrants,

1 arrest warrants, and other similar applications shall, if at all
2 possible, be electronically presented to the court. Applications
3 made when the courthouse is closed may be electronically
4 presented to the court on a computer tablet or similar electronic
5 device capable of allowing the court to modify the documents and
6 capable of accepting a judge or magistrate's signature. If the
7 applicant does not have immediate access to such technology, the
8 application shall be presented to the court in paper form and shall
9 later be scanned into the electronic data management system.

10
11 **Rule 16.704 Documents initiating criminal cases.**

12 **16.704(1) Trial informations and indictments.**

13 a. *Trial informations.* A trial information shall be
14 electronically presented to the court for approval. After the court
15 has approved or refused to approve a trial information, the
16 information shall be electronically returned to the prosecuting
17 attorney. The prosecuting attorney is responsible for filing an
18 approved information.

19 b. *Indictments.* An indictment containing a nonelectronic
20 signature of the foreperson of the grand jury shall be scanned
21 before it is electronically filed in the electronic data management
22 system.

23
24 **16.704(2) Complaints, traffic tickets, and similar citations.** A
25 complaint, traffic ticket, or similar citation containing the

1 electronic signature of an arresting officer or other person shall be
2 transmitted to the electronic data management system in such a
3 manner as to legibly reproduce an unaltered image of the required
4 signature or display a realistic visual image of the signature. A
5 complaint is considered filed on the date the electronic notice is
6 generated.

7
8 **Rule 16.705 Signature of defendant.** When a defendant's
9 signature is required on a document the defendant's signature may
10 be placed on the document in one of the following ways:

11 **16.705(1) Nonelectronic signature.** A defendant may sign a
12 document nonelectronically, such as with the use of pen on paper.
13 The document signed in this manner shall be scanned before it is
14 electronically filed in the electronic data management system.

15 **16.705(2) Computer tablet signature.** A defendant may
16 electronically sign a document by use of computer tablet or similar
17 technology.

18 **16.705(3) Login and password.** A defendant who is a
19 registered filer may sign the document by use of the defendant's
20 login and password.

21 **Rule 16.706 Copies of documents for self-represented**
22 **defendants.** A defendant who is not represented by counsel shall,

1 unless waived, be provided a paper copy of all documents
2 submitted to the court or filed by the court during that hearing.

3 **Rule 16.707 Written plea agreements.** Written plea agreements
4 may be electronically presented to the court, but shall not be filed
5 prior to a plea proceeding. If the plea is accepted the electronically
6 presented plea agreement shall be filed.

7
8 **DIVISION VIII**

9
10 **JUVENILE CASES**

11
12 **Rule 16.801 Juvenile cases and the electronic data management**
13 **system.**

14 **16.801(1)** *Use of electronic data management system.* All
15 delinquency, child in need of assistance, termination, and waiver of
16 parental notification, and family in need of assistance cases shall be
17 opened using the electronic data management system. All filings made in
18 these cases shall be done through the electronic data management
19 system.

20 **16.801(2)** *Applicability of electronic data management rules to*
21 *juvenile cases.* The rules in divisions I through VI, including rules
22 pertaining to the protection of personal privacy, apply in delinquency,
23 child in need of assistance, termination, waiver of parental notification,
24 and family in need of assistance cases.

1 **Rule 16.802 Emergency applications.** When made during regular
2 court hours applications for emergency orders shall, if at all possible, be
3 electronically presented to the court. Applications made when the
4 courthouse is closed may be electronically presented to the court on a
5 computer tablet or similar electronic device capable of allowing the court
6 to modify the documents and capable of accepting a judge's signature. If
7 the applicant does not have immediate access to such technology, the
8 application shall be presented to the court in paper form and shall later
9 be scanned into the electronic data management system. Examples of
10 emergency applications include applications for placement in shelter
11 care, placement in detention, requests for emergency medical care, and
12 removal from parental custody.

13 **Rule 16.803 Signatures.** When the signature of a parent, guardian,
14 custodian, child, as defined in Iowa Code section 232.2(5), or adult
15 within the jurisdiction of the juvenile court is required on a document
16 the signature may be placed on the document in one of the following
17 ways:

18 **16.803(1) Nonelectronic signature.** The person may sign a
19 document nonelectronically, such as with the use of pen on paper. The
20 document signed in this manner shall be scanned before it is
21 electronically filed in the electronic data management system.

1 **16.803(2)** *Computer tablet signature.* The person may
2 electronically sign a document by use of computer tablet or similar
3 technology.

4 **16.803(3)** *Login and password.* If the person is a registered filer
5 the person may sign the document by use of the person's login and
6 password.

7

8 **Rule 16.804 Documents requiring oaths, affirmations or**
9 **verifications.** Any document requiring a signature be made under oath
10 or affirmation or with verification may be either signed non-electronically
11 and scanned into the electronic data management system or may be
12 signed by an electronic process which accurately reproduces or forms a
13 durable medium for accurately and legibly reproducing an unaltered
14 image of the required signature.

15

16 **Rule 16.805 Written plea agreements.** Written plea agreements may
17 be electronically presented to the court but shall not be filed prior to a
18 plea proceeding. If the plea is accepted the electronically presented plea
19 agreement shall be filed.

20

21